

# Greensboro LDO Project

## Module 1A

Greensboro Council/CAT Review Draft

November 3, 2005

### Notes to Reviewers

A number of editors notes, comments, and questions are included throughout this draft document. These may be indicated in a few different ways.

Brackets [sample] are used when a comment or question is embedded within a paragraph or text.

Editor's notes are used for comments or questions relating to a nearby paragraph or text. These are for editing purposes only and will not appear in the final version of the new LDO. The notes will be highlighted and enclosed in top and bottom brackets, as shown in the sample editor's note below:

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Editor's notes: This is a sample of how the editor's notes will appear in the module.

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Some cross references have not been filled-in yet and are identified by a place-holder- "Section XX." These references will be established later in the drafting process.

Numbering (Heading, Section, Paragraph, and etcetera) does not necessarily correlate to an item's location in the original UDO due to the vagaries of the editing software being used.



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# Article 1. Introductory Provisions

## 30-1-1 Title

This ~~official title of this document is Ordinance shall be known and may be cited as the “Land Development Ordinance of the City of Greensboro, North Carolina Development Ordinance.”~~  
~~For convenience, it is referred to throughout this document as except as referred to herein, where it shall be known as “this Ordinance.”~~

## REPEALS AND ENACTMENT

### Repeal of Inconsistency

All ordinances, or portions thereof, of the Code of Ordinances of the City of Greensboro, North Carolina which relate to zoning, subdivision, and land use which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

### Enactment

This Ordinance is hereby enacted and shall be the Development Ordinance for the City of Greensboro, North Carolina.

## 30-1-2 Effective Date

This Ordinance ~~shall~~ becomes effective on ~~July 1, 1992~~ [INSERT EFFECTIVE DATE].

Editor's note: Purpose statements are rewritten as shown below or moved to another section of the ordinance.

## 30-1-3 Purpose

It is the purpose of this Ordinance to:

**30-1-3.1** ~~promote the health, safety, morals, and general welfare of the residents-citizens of the City of Greensboro and its environs; through the regulations of this Ordinance.~~

**30-1-3.2** ~~implement the policies and goals contained within officially adopted plans, including the Greensboro Connections 2025 Comprehensive Plan and other related plans;~~

### Zoning Regulation Purposes

~~The zoning regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:~~

**30-1-3.3** ~~preserve the overall quality of life for residents and visitors;~~

**30-1-3.4** ~~protect the character of established residential neighborhoods;~~

**30-1-3.5** ~~maintain economically vibrant as well as attractive business and commercial areas;~~

**30-1-3.6** ~~retain and expand the city's employment base;~~

**30-1-3.7** ~~promote pedestrian, bicycle and transit use;~~

**30-1-3.8** ~~maintain orderly and compatible land-use and development patterns;~~

**30-1-3.9** ~~ensure adequate light, air, privacy, and access to property;~~

**30-1-3.10** ~~encourage environmentally responsible development practices;~~

**30-1-3.11** ~~promote rehabilitation and reuse of older buildings;~~

**30-1-3.12** ~~maintain a range of housing choices and options;~~

- 1     **30-1-3.13** establish clear and efficient development review and approval procedures; and  
2     **30-1-3.14** accommodate growth and development that complies with the preceding stated purposes.

3     ~~lessen congestion in the streets;~~  
4     ~~secure safety from fire, panic, and other dangers;~~  
5     ~~provide adequate light and air;~~  
6     ~~prevent the overcrowding of land;~~  
7     ~~avoid undue concentration of population;~~  
8     ~~facilitate the adequate and economic provision of transportation, water, sewage, schools, parks,~~  
9     ~~and other public services;~~  
10    ~~protect water quality within watershed critical areas and/or designated municipal watersheds;~~  
11    ~~preserve and enhance visual attractiveness and economic vitality; and~~  
12    ~~require appropriate setbacks for buildings and other structures to facilitate the safe movement of~~  
13    ~~vehicular and pedestrian traffic, provide adequate fire lanes, and ensure adequate distance from~~  
14    ~~dust, noise, and fumes created by vehicular traffic.~~

### 30-1-4 Relationship to Comprehensive Plan

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15     The administration, enforcement, and amendment of this Ordinance ~~shall~~will be accomplished  
16     with consideration of recommendations presented in the documents comprising the  
17     Comprehensive Plan. These documents include, but are not limited to, the following:  
18     comprehensive plan, thoroughfare plan, collector street plan, neighborhood plans, small area plans,  
19     community facilities plan, capital improvements program, economic development strategies,  
20     housing assistance plan, parks and recreation plan, greenways plan, ~~drainageway and~~ open space  
21     plan, and watershed management plan. A copy of the adopted Greensboro Connections 2025  
22     Comprehensive Plan ~~shall be~~is filed with the City Clerk.

### 30-1-5 Jurisdiction

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- 25     **30-1-5.1** The provisions of this Ordinance ~~shall~~ apply to all lands, whether public or private, the  
26     ~~territory within the corporate limits and the extraterritorial jurisdiction of the encompassed~~  
27     ~~in the~~ City of Greensboro, North Carolina ~~and shall govern the development and use of land~~  
28     ~~and structures therein.~~
- 29     **30-1-5.2** Other governmental regulations may also apply to lands within the City of Greensboro and  
30     its environs.

### 30-1-6 Authority

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31     This Ordinance is adopted pursuant to the general statutes, regulations, and all other laws  
32     ~~promulgated by the North Carolina General Assembly. portions of one or more of the following~~  
33     ~~authorities in NCGS:~~

34     ~~Chapter 63 (Aeronautics); Chapter 69 (Fire Protection); Chapter 74 (Environmental Controls);~~  
35     ~~Chapter 95 (Department of Labor and Labor Regulations); Chapter 106 (Agriculture); Chapter~~  
36     ~~113A (Pollution Control and Environment); Chapter 119 (Gasoline and Oil Inspection and~~  
37     ~~Regulations); Chapter 121 (Environmental Controls); Chapter 130A (Public Health); Chapter 133~~  
38     ~~(Public Works); Chapter 136 (Roads and Highways); Chapter 143 (State Departments, Institutions,~~  
39     ~~and Commissions); Chapter 153A (Counties); Chapter 157 (Housing Authorities and Projects);~~  
40     ~~Chapter 157A (Historic Properties Commissions); Chapter 160A (Cities and Towns); and Chapter~~  
41     ~~168 (Handicapped Persons);~~



~~This Ordinance may be amended from time to time as required or allowed by subsequent legislative enactments.~~

### 30-1-7 General Rules of Interpretation

#### 30-1-7.1 Minimum Requirements

In the interpretation and application of this Ordinance, all provisions ~~shall be~~are considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes.

#### 30-1-7.2 Literal Interpretations

The language of this Ordinance must be read and interpreted literally. Regulations are no more or less strict than stated.

#### 30-1-7.3 Rules of Language and Construction

For the purposes of interpreting the general language and sentence construction of this Ordinance, the following rules of construction ~~shall~~ apply unless the context clearly indicates otherwise:

##### (A) Meaning of Words

Words listed in [Section XX], Definitions have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined are given their ordinary and common meaning.

##### (B) Tense

Words used in the present tense include the future tense. The reverse is also true.

##### (C) Singular and Plural

Words used in the singular ~~number~~ include the plural. The reverse is also true. number and the plural number includes the singular number unless the context of the particular usage clearly indicates otherwise;

##### (D) Mandatory ~~Meaning~~Terms

The words “shall,” “will,” ~~and~~ “must,” and “may not” are mandatory or compulsory in nature, implying an obligation or duty to comply with the particular provision.

##### (E) Gender

Words used in the male gender include the female gender. The reverse is also true.

##### (F) Days

Any reference to “days” shall means calendar days unless otherwise specified.

##### (G) References

Any reference to an Article ~~or~~, Section, or Paragraph ~~shall~~ means an Article ~~or~~, Section, or Paragraph of this Ordinance, unless otherwise specified.

##### (H) Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text governs.

**(I) Current Versions and Citations**

All references to other city, county, state, or federal regulations in this Ordinance are intended to be references to the most current versions and citations for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

**(J) Lists and Examples**

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

**(K) Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision **will** be construed as authorizing the department head or officer to delegate that responsibility to others over whom **he has** authority. Delegation of authority is not allowed when the provisions of **this Ordinance** expressly prohibit such **delegation**.

**(L) Public Officials and Agencies**

All employees, public officials, bodies, and agencies to which references are made are those of the City of **Greensboro**, North Carolina unless otherwise expressly stated.

**(M) Calculations and Rounding**

Unless otherwise specified within **this Ordinance**, all calculations that result in a part or fraction of a whole number **shall-must** be rounded up to the next highest whole number.

**Editor’s note:** Move the following specific rounding provisions to their respective sections.

**Parking**

All calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.

**Density**

In calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.

**Dwelling Unit Equivalency**

Calculations for congregate care facilities, private dormitories, and single room occupancy (SRO) residences will be moved to the applicable use standards.

**Parking**

~~All calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number, unless otherwise provided in this Ordinance.~~

**Density**

~~In calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.~~

## 30-1-8 Conflicting Provisions

### 30-1-8.1 Conflict with State or Federal Regulations

If the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this Ordinance, no land may be developed or used, and no structure may be erected or maintained, in violation of any state or federal regulation.

### 30-1-8.2 Conflict with Local Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

### 30-1-8.3 Conflict with Private Agreements and Controls

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ~~rules, regulations,~~ or permits previously adopted or issued pursuant to law. The city has no responsibility for monitoring or enforcing private agreements.

### Compliance

~~No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained, or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance.~~

## 30-1-9 Official Zoning Map

### 30-1-9.1 Established

The location and boundaries of zoning districts established by this Ordinance are shown on a geographic coverage layer entitled "Zoning" that is maintained as part of the City's geographic information system (GIS) under the direction of the Planning Director. This "Zoning" geographic coverage layer constitutes the City of Greensboro's official zoning map, and is as much a part of this Ordinance as if actually depicted within the pages of this Ordinance. The Planning Director must direct revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments. No unauthorized person may alter or modify the official zoning map. The Planning Director may authorize printed copies of the official zoning map to be produced, and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

### 30-1-9.2 District Boundaries

Where the ordinance establishing a zoning boundary identifies the boundary as following a particular feature, or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it actually exists.

### 30-1-9.3 Interpretations In the Event of Uncertainty

(A) ~~Where any uncertainty exists about a zoning boundary, the actual location of the boundary will be determined by the Planning Director using the following rules of interpretation:~~

- 1) A boundary shown on the zoning map as approximately following a river, stream, lake or other watercourse is construed as following the actual centerline of the watercourse.
  - 2) A boundary shown on the zoning map as approximately following a ridge line or topographic contour line is construed as following the actual ridge line or contour line.
  - 3) A boundary shown on the zoning map as approximately following a lot line or parcel boundary is construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established.
  - 4) A boundary shown on the zoning map as approximately following a street or alley is construed as following the right-of-way line of the street or alley.
  - 5) A boundary shown on the zoning map as approximately following a railroad line is construed as following the centerline of the railroad.
  - 6) A boundary shown on the zoning map as approximately following the boundary of a municipality or of its extraterritorial jurisdiction is construed as following that boundary.
  - 7) A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above is construed as being actually parallel to, or an extension of, the feature.
  - 8) Outer boundaries of General Watershed Area districts indicated as approximately following ridge lines or streets shall be is construed to follow ridge lines (the actual drainage basin boundaries). Watershed Critical Area district outer boundaries not forming the inner boundaries of General Watershed Area districts shall be is construed in the same manner. Boundaries between General Watershed Area districts and Watershed Critical Area districts indicated as approximately following major landmarks (identifiable major features) such as streets shall be is construed to follow the centerlines of such features or, where applicable, the projections of the centerlines if of such features.
  - 9) Past zoning maps on file may be consulted to aid in the interpretation of boundary lines.
- (B) Appeals of administrative interpretations of zoning boundaries may be taken to the Board of Adjustment in conformance with Section 30-4-18, Administrative Appeal.

### 30-1-10 Annexation

If any portion of the territory subject to county jurisdiction ~~under this Ordinance is shall be is~~ annexed by ~~the city a municipality~~ or taken into ~~the City's a municipality's~~ extraterritorial jurisdiction by act of the General Assembly or in accordance with NCGS 160A, Article 4A or NCGS 160A-360, county regulations and powers of enforcement ~~shall~~ remain in effect until:

- 30-1-10.1** the ~~municipality~~ City has adopted regulations for ~~said the~~ annexed or extraterritorial area; or
- 30-1-10.2** a period of ~~sixty (60)~~ days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

~~Incorporated by Reference~~

~~The City is hereby divided into zones, or districts, as established in Article IV (Zoning) and as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.~~

#### ~~Map Certification~~

~~The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the city together with the effective date of this Ordinance. Any replacement Official Zoning Map shall be signed, attested, and sealed in the same manner.~~

#### ~~Map Location~~

~~The Official Zoning Map located in the Office of the City Clerk shall be the final authority regarding the current zoning of property within the City.~~

#### ~~Map Changes~~

~~If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map.~~

#### ~~Unauthorized Changes~~

~~No changes in zoning district boundaries shall be made on the Official Zoning Map except in conformance with the procedures set forth in this Ordinance. Any unauthorized change shall be considered a violation of this Ordinance.~~

#### ~~Replacement of Official Zoning Map~~

#### ~~Map Damage~~

~~If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a replacement Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof shall be preserved, together with all available records pertaining to its adoption or amendment.~~

#### ~~Correction of Errors~~

~~The replacement Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.~~

#### ~~Interpretation of District Boundaries~~

#### ~~Boundary Interpretation~~

~~Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:~~

#### ~~Centerline~~

~~Where a boundary line lies within and follows a street or alley right of way, a railroad right of way, or a utility easement, the boundary shall be construed to be in the center of such street or alley right of way, railroad right of way, or utility easement. If such a street or alley right of way, railroad right of way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.~~

#### ~~Edge Line~~

~~Where a boundary line follows the edge of a street or alley right of way, a railroad right of way, or a utility easement, the boundary shall be construed to be in the edge of such street or alley right of way, railroad right of way, or utility easement. If such a street or alley right of way, railroad right of way, or utility easement forming the boundary between two separate zoning~~

~~districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated roadbed or utility easement.~~

~~Lot Line~~

~~Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.~~

~~City Limits~~

~~Boundaries indicated as approximately following city limits or extraterritorial boundary lines shall be construed as following city limits or extraterritorial boundary lines.~~

~~County Lines~~

~~Boundaries indicated as approximately following county lines shall be construed as following county lines.~~

~~Watercourses~~

~~Boundaries indicated as approximately following the centerlines or edges of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines or edges, respectively.~~

~~Extensions~~

~~Boundaries indicated as parallel to or as extensions of street or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.~~

~~Sealing~~

~~Where a district boundary does not coincide with any line or extension described in (A) through above and no distances are described by specific ordinance, the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Hazard Boundaries, Corps of Engineers work maps, if available, shall be used for sealing.~~

~~Interpretation by Board of Adjustment~~

~~Where natural or manmade features existing on the ground differ from those shown on the Official Zoning Map, or are not covered by Section 30-1-12.1 (Boundary Interpretation), the Board of Adjustment shall interpret the district boundary.~~

## **30-1-11 Transitional Provisions**

### **30-1-11.1 Effect on Valid Building Permits and Vested Rights**

Unless the subject owner consents, this Ordinance does not apply to the completion of development of buildings or uses for which either:

(A) building permits have been issued pursuant to G.S. 160A-417 prior to [INSERT EFFECTIVE DATE] so long as the permits remain valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422; or

(B) a vested right has been established pursuant to G.S. 160A-385.1 and such vested right remains valid and unexpired pursuant to G.S. 160A-385.1.

### **30-1-11.2 Other Approval Granted before Effective Date**

Variances, special use permits, subdivision plats, site plan approvals, and other similar development approvals that are valid on [INSERT EFFECTIVE DATE MINUS ONE DAY], will remain valid until their expiration date if applicable. Development may be

completed in accordance with such approvals even if such building, development or structure does not fully comply with provisions of this Ordinance. If building is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of any re-application.

### 30-1-11.3 Applications in Progress before Effective Date

Applications for building permits, variances, special use permits, subdivision plats, site plan approvals and other similar development approvals that were submitted in complete form and are pending approval on [INSERT EFFECTIVE DATE] must be reviewed wholly under the terms of the ordinance in effect on [INSERT EFFECTIVE DATE MINUS ONE DAY]. Any re-application for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

### 30-1-11.4 Violations Continue

Violations of the previous ordinance which remain in violation of this Ordinance will continue to be a violation and be subject to penalties and enforcement under Article 5, Enforcement. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previous ordinances.

### 30-1-11.5 Zoning District Conversions

Those zoning map designations shown below which were in effect on [INSERT EFFECTIVE DATE] are converted as follows:

Editor's note: The table below will be completed after establishing which zoning districts, if any, are being changed, consolidated, or eliminated.

Previous Map Designation	New Map Designation

## 30-1-12 Severability

Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.





## Article 2. Nonconformities

### 30-2-1 General

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#### **30-2-1.1 Scope**

The regulations of this article govern lots, uses, buildings, signs and other aspects of development that came into existence lawfully but do not conform to one or more requirements of this Ordinance. These are referred to as “nonconformities.”

#### **30-2-1.2 Purpose**

The regulations of this article are intended to:

(A) recognize the interests of property owners in continuing to use their property for lawful purposes;

(B) promote reuse and rehabilitation of existing buildings; and

(C) place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

#### **30-2-1.3 Determination of Nonconforming Status**

The burden of proving that a situation is a nonconformity (as opposed to an illegal situation) rests with the subject landowner.

#### **30-2-1.4 Repairs and Maintenance**

(A) Incidental repairs and normal maintenance of nonconformities are permitted unless the repairs are otherwise expressly prohibited by this Ordinance. For the purpose of this provision, repair or replacement of non-load bearing walls, fixtures, electrical or plumbing are considered incidental repairs if the total value of the repairs in any 12-month period does not exceed 25% of the current replacement value of the structure.

(B) Nothing in this article is to be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of the Building Inspector or other duly authorized ~~public~~ City official. When improvements are made to restore property to a safe condition, the cost of those repairs or alterations are included in the 25% limit noted in the preceding paragraph.

#### **30-2-1.5 Change of Tenancy or Ownership**

Nonconforming The status of a nonconformity “runs with the land” and is not affected by changes of tenancy, ownership, or management.

### 30-2-2 Nonconforming Lot of Record

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#### **30-2-2.1 Definition**

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Editor's note: Move to Definitions Article

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A *Lot of Record* that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

### **30-2-2.2 Nonconforming Lots Resulting from Public Acquisition**

~~Lots of record that are rendered nonconforming or more nonconforming as a result of acquisition of a portion of the lot for public purposes by any public agency have the status of nonconforming lots of record.~~

~~Nonconforming lot status does not exempt the applicant from compliance with Guildford County Board of Health requirements.~~

### **30-2-2.3 Use of Nonconforming Lots**

~~Nonconforming lots of record may be used in conformance with this Ordinance.~~

#### **(A) Lots with Contiguous Frontage in One Ownership;**

~~Lots of record which are at least 50 feet in width but have not, at any time since the effective date of this Ordinance, provided required setbacks, parking, or planting yards may be considered "Single Lots of Record" under subsection (B) below.~~

~~2) When two or more adjoining lots of record with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, such lots be combined as a single zone lot or several zone lots to reduce the degree of nonconformity with regards to lot area and width requirements of the district, provided compliance is achieved with regard to all other requirements of this Ordinance. Where two or more lots of record with contiguous frontage are under common ownership, and one or more is a nonconforming lot, the lots shall be deemed merged into a single zone lot to the extent necessary to create one or more lots that comply with or come as close as possible to complying with the lot requirements of the underlying zoning district. This provision does not apply to contiguous nonconforming lots of record that are at least 40 feet in width and have not, at any time since July 1, 1992, provided required setbacks, parking, or planting yards for a use situated on an adjacent lot. These may be considered "Single Lots of Record" under subsection (B) below.~~

#### **(B) Single Lot of Record**

- ~~1) A nonconforming lot of record that is nonconforming as to area or width requirements may be built upon if compliance is achieved with regard to all other Ordinance requirements besides lot area or width.~~
- 2) In residential zoning districts, only a single family dwelling may be permitted on a nonconforming lot of record.

## **30-2-3 Nonconforming Use**

### **30-2-3.1 Definition**

Editor's note: Move to Definitions Article

A nonconforming use is a ~~land-principal~~ use that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located.

### 30-2-3.2 Continuation

A *nonconforming use* may continue, subject to the regulations of this Ordinance.

### 30-2-3.3 Expansion or Modification of a Nonconforming Use

(A) The Planning Director may approve a Type 1 Modification (see Section 30-4-12) allowing modification of a *nonconforming use* that does not increase the degree of nonconformity, or have a greater adverse impact on the surrounding area. To make a determination, the Planning Director must consider all of the following criteria:

Editor's note: Type 1 and Type 2 Modifications are minor technical changes to the ordinance that would be approved by the Planning Director (Type 1 Modifications) or the TRC or Planning Board (Type 2 Modifications). Type 3 Modifications (such as certain modifications relating to watersheds) would be approved by the City Council.

In the current UDO, almost all minor technical changes are called "Minor Modifications." We are proposing that the new LDO classify them by approving authority to provide clarification. "Type 1," "Type 2", and "Type 3" may not be the final nomenclature (although many communities do use similar naming conventions).

- 1) anticipated traffic of each use;
- 2) parking requirements of each use;
- 3) anticipated number of persons on the premises of each use at a time of peak demand;
- 4) off-site impacts of each use, such as lighting, noise, glare, dust, odor, vibration, or smoke; and
- 5) hours of operation.

(B) A *nonconforming use* may not be relocated, in whole or in part, to another portion of the subject lot or parcel.

(C) A *nonconforming use* may not be expanded, enlarged, or extended to occupy a greater area of land or floor area.

(D) **Appeal**  
Expansion or modification decisions may be appealed to the Board of Adjustment in conformance with Section 30-4-18, Administrative Appeal.

### 30-2-3.4 Damage or Destruction

A *nonconforming use* that is damaged by fire, neglect, or natural causes may retain nonconforming status if the damage to the structure does not exceed 50% of its pre-damage tax value.

### 30-2-3.5 Change of Use

(A) **Change to a Conforming Use**  
The Planning Director may allow a *nonconforming use* ~~may to~~ be changed to any other use allowed by in the subject zoning classification district provided compliance with all applicable Ordinance requirements is achieved.

(B) **Change to another Nonconforming Use**  
The Board of Adjustment may allow a *nonconforming use* to be changed to another *nonconforming use* that is in the same use category (See Section XX, "Use Category") or to another functionally similar use, if the Board of Adjustment determines that the proposed use will have no greater adverse impacts on the surrounding area. To

make a determination, the Board of Adjustment must consider all of the following criteria required in paragraph (A) of “Expansion or Modification of a Nonconforming Use”, above.

(C) **Appeal**

Administrative change of use decisions may be appealed to the Board of Adjustment in conformance with Section 30-4-18, Administrative Appeal.

**30-2-3.6 New Signage with Nonconforming Use**

The Planning Director may approve a Type 1 Modification (see Section 30-4-12) allowing new signage (See Section XX, Signs) for a nonconforming use, provided the new signage is no larger or higher than the existing signage on the site. This approval must be conditioned upon removal of any existing nonconforming signage on the site.

**30-2-3.7 Loss of Nonconforming Use Status**

(A) **Discontinuance**

- 1) A *nonconforming use* that ceases operations for any reason for a continuous period of more than one year may not be reestablished. Any subsequent use of such land must be a use permitted in the district.
- 2) The resumption of a *nonconforming use* is not permitted if the nonconforming use is superseded by a permitted use for any period of time.

Editor's note: Allow the reestablishment of nonconforming uses in certain situations? E.g. a corner store or barbershop in an existing building designed for such use. Perhaps limit this to certain “development areas”? Require a Special Exception Permit? Alternatively, modify the permitted use table to allow the reestablishment of certain uses if the building was expressly designed for such use. Something to discuss when we address infill and/or modification to the Neighborhood Business (NB) District.

(B) **Damage or Destruction**

~~A nonconforming use located within a structure which has been damaged by fire, neglect, or other natural causes may retain loses nonconforming status if the damage to the structure does not exceeds 50% of its pre-damage tax value, and the use is not discontinued for more than one year.~~

(C) **Sexually Oriented Businesses**

- 1) With the exception of adult bookstores and adult video stores, all nonconforming sexually oriented businesses, located within the City’s jurisdiction as of February 3, 2004 must be discontinued by February 3, 2006. This requirement applies to both principal and accessory uses.
- 2) With the exception of adult bookstores and adult video stores, all sexually oriented businesses made nonconforming by amendment to this Ordinance (including rezoning or annexation) must be discontinued within two years of becoming nonconforming. This requirement applies to both principal and accessory uses.

**30-2-3.8 Accessory Uses and Structures**

A use that is accessory to a principal nonconforming use may not be continued after the principal use has been abandoned, unless the use is also an accessory use to other principal uses allowed in the subject zoning district.

## 30-2-4 Nonconforming Structures

### 30-2-4.1 Definition

Editor's note: Move to Definitions

A structure that does not conform to dimensional, elevation, location, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

### 30-2-4.2 Continuation of a Nonconforming Structure

Nonconforming structures may remain, subject to the standards of this Ordinance.

#### (A) Modifications and Alterations

- 1) The Planning Director may approve a Type 1 Modification allowing modifications or alterations to a nonconforming structure that A nonconforming structure may be modified or altered provided any alterations does not increase the degree of nonconformity.
- 2) Any enlargement of a nonconforming structure must conform to the dimensional requirements of the zoning district unless the Board of Adjustment grants a variance (see Section 30-4-13).
- 3) Any relocation of a nonconforming structure must comply with the dimensional requirements of the subject zoning district.
- 4) Applicants proposing modifications or alterations to nonconforming structures located within locally designated historic districts or Guilford County Landmarks located within the City of Greensboro must obtain a Certificate of Appropriateness (see Section 30-4-9.4) from the Historic Preservation Commission or the Guilford County Joint Historic Properties Commission, as appropriate, prior to action by the Planning Director or Board of Adjustment as established in paragraph 1) or paragraph 2) above, as applicable.
- 5) Proposed modifications or alterations to nonconforming structures located within National Register Districts or individually designated sites must meet the Secretary of the Interior Standards for Rehabilitation as determined by the Historic Preservation Commission, prior to action by the Planning Director or Board of Adjustment as established in paragraph 1) or paragraph 2) above, as applicable.

#### (B) **Damage or Destruction**

A nonconforming structure that has been damaged by fire, ~~neglect~~ or ~~other~~ natural causes may be reconstructed if the damage to the structure is less than 50% of its pre-damage tax value, provided it is constructed:

Editor's note: Consider higher damage thresholds for contributing historic structures?

- 1) in the same location and up to the same dimensions as originally existed; or
- 2) in compliance with the current dimensional requirements.

### 30-2-4.3 Loss of Nonconforming Status

A *nonconforming structure* that has been damaged by fire, neglect, or other natural causes ~~shall~~ loses nonconforming status if the damage to the structure exceeds 50% of its pre-damage tax value. The following exceptions to this rule apply:

- (A) Except when located in a Floodway, residential condominium and townhouse buildings may be rebuilt using the same footprint or a reduced footprint and the same or a smaller gross floor area, and in compliance with all other applicable provisions of this Ordinance.
- (B) Except when located in a Floodway, residential buildings in multifamily developments with a density that is 110% or less than the maximum density (Section XX) allowed in the subject zoning district may be rebuilt. Buildings may be rebuilt using the same footprint, or at another location approved by the Technical Review Committee; but the gross floor area may not be increased and all other applicable provisions of this Ordinance must be met.

### 30-2-4.4 Nonconforming Structures Located in Single Family Detached Cluster Developments

Within single family detached cluster developments existing on the effective date of this Ordinance, where a majority of the lot sizes are below the minimum required by Section XX [reference lot size table], dwelling units may be enlarged, or rebuilt in case of destruction by fire, neglect, or natural causes, provided that each resulting distance between the separation between buildings is equal to or greater than the sum, as applicable of:

- (A) Two required side setbacks;
- (B) Two required rear setbacks; or
- (C) One required side and one required rear setback.

~~Developments with a homeowner's association shall require association approval of the proposed size and location of the new or expanded dwelling units.~~

## 30-2-5 Nonconforming Signs and Sign Permits

It is the policy of the City of Greensboro to encourage that all signs within the city be brought into compliance with the requirements of Section XX, (Signs).

### 30-2-5.1 Definition

Editor's note: Move to Definitions Article

A nonconforming sign is a sign that was legally established ~~subject to a lawfully issued permit~~ in compliance with the applicable laws and ordinances in effect on the date of placement, installation, or construction, but by reason of its size, height, location, design, or construction is no longer in compliance with the requirements of Section XX, (Signs).

### 30-2-5.2 Continuation of Nonconforming Signs

A *nonconforming sign* may remain in place and be maintained indefinitely as a legal nonconforming sign subject to compliance with the following:

- (A) Normal maintenance of the nonconforming sign is allowed including changing of copy, nonstructural repairs such as repainting or electrical repairs, and incidental alterations that do not increase the degree or extent of the nonconformity.

- (B) Nonconforming signs and sign structures may not be structurally altered, enlarged or extended, or have additional lighting added.
- (C) Nonconforming signs and sign structures may not be relocated.
- (D) A nonconforming sign that has been damaged by any cause may be repaired if the cost of the repair does not exceed 25% ~~50%~~ of the replacement value.

### 30-2-5.3 Loss of Nonconforming Sign Status and Removal

#### (A) Discontinuance

- 1) A nonconforming sign that is removed may only be replaced with a conforming sign.
- 2) A nonconforming sign shall lose nonconforming status if the business activity on the premises is discontinued for a continuous period of 90 days or more, and must be removed.
- 3) Sign removal shall include the entire sign and any or all supports.

#### (B) Damage or Destruction

A nonconforming sign that has been damaged by any cause shall lose nonconforming status if the damage to the structure exceeds 25% ~~50%~~ of its replacement value, and must be removed.

#### (C) Change of Conditions

A nonconforming sign must be brought into compliance or removed if any or all of the following occurs:

- 1) If additions or expansions of buildings, parking areas, or uses of open land occur which are greater than 3,000 square feet.
- 2) If any change in the existing use of the property occurs.
- 3) If an application for a sign permit is made to add new or additional signage to a property containing a nonconforming sign.

#### (D) Prohibited Signs and Signs Allowed without Permits

A sign that is prohibited by this Ordinance. ~~With the exception of roof signs, prohibited signs~~ and signs allowed without permits (Section XX, Signs Allowed with Permits), must either be brought into compliance with Section XX, Signs, or removed within 12 months of the effective date of this Ordinance.





## Article 3. Administrative Bodies

### 30-3-1 General

#### 30-3-1.1 Establishment of Administrative Bodies

The City Council ~~shall~~ provides for the manner in which the provisions of this Ordinance are determined, established, and enforced, and from time to time amended, supplemented, or changed. A Board within the context of this Ordinance means any board, commission, or agency empowered by this Ordinance or the City Charter.

#### 30-3-1.2 Organization

With the exception of the City Council, ~~Each~~ of the Boards provided for by this Ordinance must adopt rules and maintain records in conformance with the following:

##### (A) Rules of Conduct

A Board must adopt rules necessary to conduct its affairs and to establish Board organization, committees, procedures, meeting notice, and meeting conduct.

##### (B) Conformance of Rules

The rules adopted by a Board must be in accordance with State law and the provisions of this Ordinance.

##### (C) Residency

With the exception of members of the Technical Review Committee, the Guilford County Joint Historic Preservation Committee, and administrative officials, all Board members must be residents of the City of Greensboro.

##### (D) Election and Terms of Officers

Unless otherwise provided by ordinance, members of a Board must elect a Chairman and Vice Chairman. The Secretary does not have to be a member of the Board.

##### (E) Record of Meetings

~~The~~ A Board must keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact. ~~The~~ Where applicable, the Board must also keep records of ~~its examination evidence presented~~ and ~~other its~~ official actions. All such records and minutes are public record.

##### (F) Temporary Disqualification

Editor's note: based on new state law for Board of Adjustment- being applied to all Boards and Commissions.

A Board member may not participate in any vote on a matter that would violate an applicant's right to an impartial decision maker. Common conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial

interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members of the Board must by majority vote rule on the objection.

**(G) General Powers**

In the application and enforcement of the specific powers and duties established by this Ordinance, a Board has the authority to:

- 1) appoint, at its discretion, subcommittees to concern themselves with specific planning and community development matters;
- 2) make such other studies and plans and to review such other related matters as directed by the City Council; and
- 3) exercise other powers and authority provided to it by the City Council, this Ordinance, or State law.

**30-3-1.3 Alternate Members**

**(A) Inclusion of Alternates**

The City Council may appoint alternate members to a board to serve in the absence or temporary disqualification of regular members, or to fill a vacancy pending appointment of a new member.

**(B) Powers and Duties**

In the absence or temporary disqualification of a regular board member, alternate members have and may exercise all of the powers and duties of a regular board member. Each alternate member, attending a meeting of the Board and serving in the absence of a regular member, has and may exercise all the powers and duties of a regular member.

**30-3-1.4 Terms**

**(A) Length of Terms**

Regular members and alternate members of ~~the a~~ Board ~~shall will~~ serve a term of three ~~(3)~~ years unless otherwise provided by this Ordinance, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members ~~shall may~~ not expire at the same time.

**(B) Maximum Consecutive Terms**

Regular members ~~shall may~~ not serve more than two full consecutive terms unless otherwise provided by this Ordinance.

**(C) Filling of Vacancies**

Vacancies created by resignation or other causes ~~shall must~~ be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term. Such service is not counted towards the maximum serving of two consecutive terms.

**30-3-1.5 Extraterritorial Representation**

If the population in the City's extraterritorial jurisdiction reaches the population specified in NCGS [insert reference], the Guilford County Board of County Commissioners must appoint additional regular members to those City Boards subject to NCGS [insert reference].

**30-3-1.6 Compensation**

Compensation for Board members may be provided for by the City Council.

**30-3-2 City Council**

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**30-3-2.1 Organization**

Unless specifically modified in this Ordinance, the City Council must conform to the rules and procedures provided in the City Charter.

**30-3-2.2 Powers and Duties**

In the application and enforcement of this Ordinance, the City Council has the following powers and duties:

**(A) Review and Recommendation**

The City Council has review and recommendation authority for Type 3 Modifications in:

- 1) General Watershed Areas (Section XX);
- 2) Watershed Critical Areas (Section XX); and
- 3) National Register Historic Districts and Sites (Section XX).

**(B) Final Approval**

The City Council is an approving authority for the following:

- 1) Ordinance Text Amendments (Section XX);
- 2) Zoning Map Amendments (Section XX);
- 3) Original Zoning Map Amendments (Section XX);
- 4) Special Use Permits (Section XX);
- 5) Comprehensive Plan Adoption/Amendments (Section XX);
- 6) Local Historic District Designations (Section XX);
- 7) Type 3 Modifications [see Editor's note under "Appeal, below"] (Section XX);
- 8) Designation of Redevelopment Areas (Section XX);
- 9) Street Name Changes (Section XX); and
- 10) Street and Alley Closings (Section XX).

**(C) Appeal**

The City Council hears and decides appeals for the following:

- 1) Zoning Map Amendments (Section XX);
- 2) Special Use Permits (Section XX);
- 3) Site Plans (Section XX);
- 4) Subdivisions (Section XX), and Preliminary Plats;
- 5) Type 1 and Type 2 Modifications (Section XX); and

6) Site Specific Development Plans (Section XX).

## 30-3-3 Planning Board

### 30-3-3.1 Authority and Establishment

A planning agency known as the Planning Board is hereby established pursuant to NCGS 160A-361.

### 30-3-3.2 Membership

The Planning Board ~~shall~~ consists of nine ~~(9)~~ regular members ~~who shall be~~ appointed by the City Council for terms to expire as of August 15.

Editor's note: Add membership description from City Charter?

### 30-3-3.3 Quorum

Five or more ~~(5)~~ regular or alternate members of the Planning Board ~~shall be required to~~ constitutes a quorum.

### 30-3-3.4 Powers and Duties

The Planning Board has the following powers and duties:

#### (A) Review and Recommendation

The Planning Board has review and recommendation authority for the following:

- 1) Ordinance ~~Text Amendments~~ (Section XX);
- 2) Comprehensive Plan Adoption/Amendments (Section XX), except amendments accompanying Zoning Map Amendments (Section XX);
- 3) Type 2 Modifications within General Watershed Areas (Section XX);
- 4) Local Historic District Designations (Section XX).
- 5) Street ~~Name~~ Changes (Section XX);
- 6) Street and Alley Closings (Section XX); and
- 7) Designation of Redevelopment Areas ~~pursuant to NCGS 160A-500 et seq~~ (Section XX);

#### (B) Final Action

The Planning Board is the approving authority for the following procedures:

- 1) Release of ~~Utility~~ Easements (Section XX);
- 2) Planned Unit Development (PUD)- Unified Development Plans (Section XX);
- 3) Traditional Neighborhood Development Plans (Section XX);
- 4) Type 2 Modifications within General Watershed Areas (Section XX);
- 5) Type 2 Modifications within Watershed Critical Areas (Section XX); and
- 6) Site Specific Development Plans (Section XX);

**(C) Appeal**

The Planning Board may decide on appeals of the following administrative decisions. Appeals of certain administrative decisions may also be heard by the City Council as specified within the applicable procedure. Appeals must be heard in conformance with Section XX, Administrative Appeals.

1) Subdivision- Preliminary Plats (Section XX);

2) Site Plans (Section XX).

~~to appoint, at its discretion, subcommittees to concern themselves with specific planning and community development matters;~~

~~to make such other studies and plans and to review such other related matters as directed by the City Council; and~~

~~to exercise other powers and authority provided to it by the City Council, this Ordinance, or State law.~~

**30-3-3.5 Voting**

**(A) Required Vote for Approval**

The concurring affirmative vote of a majority of the members present and voting is required to make a recommendation or any other decision in favor of an applicant.

Tie votes must be considered recommendations or decisions for denial.

**(B) Vote of the Chair**

The Chair votes as any other Board member.

~~to make a careful study of the resources, possibilities, and needs of the City, particularly with respect to the conditions which may be injurious to the public welfare or otherwise injurious, and to make plans for the development of the City;~~

~~to advise the City Council on the laying out of streets and parks, the uses of land, densities of population, the location of public facilities, building lines, future street lines, and other measures related to the objectives of a comprehensive planning program;~~

~~to perform such duties with regard to property lying outside of the City as are authorized by law, subject to the approval of the City Council;~~

~~to study, prepare, and submit amendments to the text of this Ordinance for consideration by the Zoning Commission or City Council;~~

~~to provide, control, augment, and maintain an orderly and coordinated system of community development by means of land use patterns, open space, and subdivision standards, criteria for amendments to the Official Zoning Map, thoroughfare systems, and other elements of a comprehensive plan;~~

~~to make findings and recommendations concerning areas in the City which may qualify as redevelopment areas;~~

~~to hear and make recommendations to the City Council pertaining to street name changes, street closings, right-of-way vacations, right-of-way encroachments, historic district designations, and watershed matters;~~

~~to provide recommendations to the City Council with regard to any of the above matters which may be appealed, as well as those matters which remain with the City Council as original jurisdiction such as text amendments.~~

~~to develop a comprehensive plan for the territory under its jurisdiction, subject to specific direction from the City Council;~~  
~~to hear and decide matters on appeal from the Technical Review Committee and the Enforcement Officer for soil erosion, such as subdivisions, site plans, and soil erosion and sedimentation control plans;~~  
~~to hear and decide matters as assigned by the City Council pertaining to Site Specific Development Plans, easement releases, and plans not acted upon by the Technical Review Committee;~~  
~~to release or quitclaim any rights the City may have in any water, sanitary sewer, storm sewer easements, or any other right-of-way except street right-of-way.~~  
~~to perform certain duties previously assigned to the former Housing Development Clearinghouse Commission in Section 5.75 of the City Charter. Such duties shall be:~~  
~~to study, adopt, and maintain goals, objectives, and standards for identified assisted housing programs and to serve as a clearinghouse for review and comment on such housing programs;~~  
~~and~~  
~~to make recommendations to appropriate public and private agencies concerning assisted housing;~~

### 30-3-4 Technical Review Committee

#### 30-3-4.1 **Authority and Establishment Authority**

A planning agency known as the Technical Review Committee (TRC) is hereby established pursuant to NCGS 160A-361.

#### 30-3-4.2 **Membership**

The TRC ~~shall be~~<sup>is</sup> composed of seven ~~(7)~~<sup>(4)</sup> members with one ~~(1)~~<sup>(4)</sup> representative from each of the following departments ~~(divisions)~~: Planning ~~Department~~<sup>— (Administration)</sup>, Planning ~~(Services Division)~~, ~~Engineering and Inspections (Engineering)~~, Parks and Recreation ~~Department~~, ~~Public Works Department—Administration~~, Transportation ~~Department~~, ~~Water Resources (Engineering)~~, and ~~Water Resources (Stormwater)~~. ~~Water and Sewer Division, and Engineering Division~~. These members ~~shall be~~<sup>are</sup> appointed by and serve at the pleasure of their respective department heads.

#### 30-3-4.3 **Officers**

The Planning Director or ~~his~~<sup>a</sup> designated representative ~~shall serve~~<sup>s</sup> as Chair ~~of~~ the Technical Review Committee.

#### 30-3-4.4 **Powers and Duties**

~~The Technical Review Committee shall have the following powers and duties:~~

##### (A) **Review and Recommendation**

The Technical Review Committee ~~shall have~~<sup>has</sup> review and recommendation authority for the following:

- 1) ~~to review technical aspects of development occurring within the City as specified by this Ordinance;~~ Type 2 Modifications of Minor Watersheds (Section XX);
- 2) Type 2 Modifications of Major Watersheds (Section XX);

1 3) Type 2 Modifications to Zoning Conditions (Section XX);

2 4) Site Specific Development Plans (Section XX);

3 5) Street and Alley Closings (Section XX);

4 6) Street Name Changes (Section XX); and

5 7) Planned Unit Development Concept Plans (Section XX)..

6 ~~to recommend to the Planning Board the closing of streets, alleys, easements, and other rights-of-~~  
7 ~~way;~~

8 **(B) Final Action**

9 The Technical Review Committee ~~shall be~~ has the approval authority for the  
10 following procedures:

11 ~~1) to approve modifications as authorized by Section 30-9-1~~

12 ~~(Modifications);~~ Minor Type 2 Modifications of Major Site Plans (Section XX);

13 2) Type 2 Modifications of Major Subdivisions (Section XX);

14 3) Major Subdivisions (Section XX);

15 4) Major Site Plans (Section XX);

16 5) Watershed Plans (Section XX); and

17 6) Stormwater Management Plans (Section XX).

18 ~~to review and approve new or revised plans including: subdivisions; clustered or attached~~  
19 ~~developments; planned unit developments; office, commercial, and industrial developments; and~~  
20 ~~any other proposals for development specified by this Ordinance;~~

21 Editor's note: Other chapters of the City Code are under consideration and may be incorporated into the LDO,  
22 resulting in the incorporation of additional procedures into this list.

23 **(C) Appeal**

24 The Technical Review Committee has authority to hear and decide appeals of:

25 1) Minor Subdivisions (Section XX);

26 2) Site Grading Plans (Section XX).

28 **(D) Nonregulatory**

29 The Technical Review Committee will provide for a continuing, coordinated, and  
30 comprehensive review of the technical aspects of this Ordinance.

31 **(E) Voting**

32 A concurring vote of at least a majority of those members present and voting is  
33 required before any recommendation of action is made on any matter considered.

## 30-3-5 Zoning Commission

### 30-3-5.1 Authority and Establishment

A planning ~~agency-board~~ known as the Zoning Commission is hereby established pursuant to NCGS 160A-361.

### 30-3-5.2 Membership

The Zoning Commission ~~shall consist~~consists of nine ~~(9)~~ regular members ~~who shall be~~ appointed by the City Council for terms to expire as of August 15. ~~In order to fill two new vacancies created due to expansion of membership of the Commission and to provide for continuity of overlapping terms, beginning 1 November 1998 two members shall be appointed so that one appointee shall serve a term of two years and one appointee shall serve a term of three years.~~

### 30-3-5.3 Quorum

Five ~~or more (5)~~ regular or alternate members of the Zoning Commission ~~shall be required to constitute~~s a quorum.

### 30-3-5.4 Powers and Duties

#### (A) Review and Recommendation

The Zoning Commission has review and recommendation authority for the following procedures:

- 1) Original Zoning Map Amendments (Section XX);
- 2) Ordinance Text Amendments when referred to it by the Planning Board or City Council (Section XX);
- 3) Zoning Map Amendments in Local Historic Districts (Section XX);
- 4) Special Use Permits in Local Historic Districts (Section XX); and
- 5) Zoning Map Amendments involving Comprehensive Plan Amendments (Section XX)

#### (B) Final Action

The Zoning Commission is the approving authority for the following procedures:

- 1) Zoning Map Amendments, other than those mentioned in (A), above (Section XX); and
- 2) Special Use Permits, other than those mentioned above (Section XX).

### 30-3-5.5 Voting

- (A) Six ~~(6)~~ or more favorable votes from the Zoning Commission are required for approval of an application before the Commission.

~~shall constitute final action unless appealed in accordance with Section 30-3-12.2(J) (Appeals). Where no proper appeal is made, a copy of the ordinance rezoning the property shall be filed with the City Clerk.~~

- (B) When an application before the Zoning Commission receives ~~less-fewer~~ than six ~~(6)~~ favorable votes, but a majority favorable vote, ~~from the Zoning Commission,~~ that



action ~~shall~~ constitutes a favorable recommendation and the application will be forwarded to the City Council for final action following a public hearing.

(C) When an application receives a tie vote or ~~a majority~~ unfavorable vote from the Zoning Commission, the application that action shall constitute is deemed denial denied of the application unless appealed in accordance with Section 30-3-12.2 (f) (Appeals).

(D) All decisions of the Zoning Commission may be appealed to the City Council. Applications receiving favorable recommendations and all appealed decisions shall be scheduled for public hearing before the City Council.

(E) Vote of the Chair

The Chair votes as any other Commission member.

## 30-3-6 Board of Adjustment

### 30-3-6.1 Authority and Establishment

A planning agency known as the Board of Adjustment is hereby established pursuant to NCGS 160A-338.

### 30-3-6.2 Membership

The Board of Adjustment ~~shall~~ consists of seven ~~(7)~~ members ~~who shall be~~ appointed by the City Council; ~~provided that alternate members may be appointed as provided by State law.~~

### 30-3-6.3 Quorum

Four or more regular or alternate ~~(4)~~ members of the Board of Adjustment ~~shall~~ constitutes a quorum.

### 30-3-6.4 Powers and Duties

#### (A) Final Action

The Board of Adjustment ~~shall be~~ is the approving authority for the following procedures:

1) Changes of Use for Nonconforming Uses (Section XX);

1)2) to hear and decide requests for any special exceptions which are specifically delegated to it by this Ordinance; Special Exceptions (Section XX); and

3) Variances (Section XX).

~~to vary and modify application of zoning regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained therein;~~  
~~to hear and decide requests for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation and enforcement of the zoning provisions of this Ordinance result in a loss of privileges shared by other properties within the same zoning district;~~  
~~to interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions as they arise in the administration of this Ordinance;~~  
~~to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance;~~

~~to determine upon application of an owner, or referral from the Enforcement Officer, whether a proposed nonconforming use is equal or less intensive than an existing, legal nonconforming use, in accordance with Section 30-4-11.2 (Nonconforming Use of Land); and~~

**(B) Appeals**

The Board of Adjustment has the authority to hear and decide appeals for the following:

~~to hear and decide appeals from and review any zoning order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing~~

**1) Appeals of the following zoning administrative decisions (Section XX, Administrative Appeal):**

**a) Administrative orders, requirements, determinations, or interpretations;**  
**and**

**b) Zoning Map Interpretations (Section XX).**

**2) Certificate of Appropriateness (Section XX) decision by the Historic Preservation Commission, limited to certiorari (Section XX, Appeals); and**

**3) Alternate compliance decision by the Advisory Commission on Trees (Section XX), limited to certiorari (Section XX, Appeals).**

~~to review appeals from the proceedings of the Historic Preservation Commission concerning the issuance of a Certificate of Appropriateness, limited to certiorari;~~

~~To review appeals from the proceedings of the Advisory Commission on Trees with regard to alternate methods of compliance, limited to certiorari.~~

~~**Watershed Exemption**~~

~~The Planning Board, the City Council, and the N.C. Environmental Management Commission are the bodies charged with hearing requests and appeals dealing with the requirements of Sections 30-7-1 (Water Supply Watershed Districts), 30-7-2 (General Watershed Areas), and 30-7-3 (Watershed Critical Areas). Refer to Section 30-9-11.5 (Modification of Water Supply Watershed Standards).~~

**30-3-6.5 Voting**

**(A) Required Vote for Approval**

A concurring vote of four members ~~shall be~~ required:

- 1)** to reverse or modify any order, requirement, decision, determination, or interpretation of an administrative officer charged with enforcing this Ordinance;
- 2)** to decide in favor of the applicant any matter upon which the Board is required to pass under this Ordinance;
- 3)** to grant a variance from the provisions of this Ordinance;
- 4)** to grant special exceptions as may be assigned by this Ordinance.

~~to perform any other related duties that the City Council may direct; and~~

~~to exercise other powers and authority provided to it by the City Council, this Ordinance, or State law.~~

**(B) Vote of the Chairman**

The Chair votes as any other Board member.

**30-3-7 Historic Preservation Commission**

Editor's note: This section is undergoing further review by Historic Preservation Staff.

**30-3-7.1 Authority and Establishment**

A Historic Preservation Commission is hereby established pursuant to NCGS 160A-400.7. Pursuant to Section 4 NCGS 160A-400.5, nothing in this Ordinance ~~shall affect~~ the status of any historic district or historic property established or designated under the authority of Part 3 of Article 19 of Chapter 160A of the General Statutes; such establishment or designation being prior to the effective date of this Ordinance. Nothing in this Ordinance ~~shall affect~~ the validity of the Guilford County Joint Historic Properties Commission created by Ordinance 80-86 dated October 6, 1980.

**30-3-7.2 Membership**

**(A) Number of Members**

The Historic Preservation Commission ~~shall consist~~ of nine ~~(9)~~ members who ~~shall be~~ appointed by the City Council for terms to expire as of August 15.

**(B) District Representation**

Each historic district ~~shall must~~ be represented by at least one ~~(1)~~ person on the Historic Preservation Commission.

**(C) Qualification for Membership**

Members ~~shall must be residents of the City and~~ be qualified based on demonstrated interest or experience in history, architectural history, historic preservation, architecture, archaeology, planning, or related fields.

**(D) Designation**

The Guilford County Joint Historic Properties Commission may be designated by ~~a~~ ~~Jurisdiction~~ the City to perform the duties of a Historic Preservation Commission.

**30-3-7.3 Quorum**

Five ~~(5)~~ or more members of the Historic Preservation Commission ~~shall constitute~~ a quorum.

~~The concurrence of at least a majority of those members present will be required before any recommendation or action is made on any matter considered. When any matter is transmitted to the City Council without recommendations, the reasons for the lack of a recommendation shall be stated.~~

**30-3-7.4 Powers and Duties**

**(A) Review and Recommendation**

The Historic Preservation Commission ~~shall have~~ has review and recommendation authority for the following procedures:

to recommend to the City Council areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks";

- 1) Designation of Local and National Register Historic Districts and Sites (Section XX);
- 2) Ordinance Text Amendments, when required (Section XX);
- 3) Zoning Map Amendments, when required (Section XX);
- 4) Special Use Permits, when required (Section XX);
- 5) Special Exceptions, when required (Section XX);
- 6) Variances, when required (Section XX); and
- 7) Street and Alley Closings, when required (Section XX).

~~to make recommendations to the Zoning Commission and City Council concerning requests for zoning map amendments, Conditional Zoning Districts, or Special Use Permits affecting historic properties or districts; and to make recommendations to the Board of Adjustment concerning variances or special exceptions affecting historic properties or districts;~~  
~~to recommend appropriate changes to this Ordinance which relate to historic districts or which relate to the preservation of historic structures, landmarks, or areas within the jurisdiction of the City Council; and~~  
~~to recommend to the City Council that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause;~~

**(B) Final Action**

The Historic Preservation Commission ~~shall be the~~ has approval authority for the following procedures: is the approving authority for a Certificate of Appropriateness (Section XX) when the subject property is located within a designated local historic district.

~~to grant or deny the issuance of a Certificate of Appropriateness in accordance with this Ordinance. The Commission may hold public hearings on the issuance or revocation of such Certificates; and~~

~~to review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this section.~~

**(C) Nonregulatory**

In addition to the specific powers and duties required in the enforcement and application of this Ordinance, the Historic Preservation Commission has the following nonregulatory authority:

- 1) to undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;

- 2) to acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established historic districts or to any such properties designated as landmarks; to hold, manage, preserve, restore, and improve the same; and to exchange or dispose of the property by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property;
- 3) to restore, preserve, and operate historic properties;
- 4) to conduct an educational program with respect to historic properties and districts within its jurisdiction;
- 5) to prepare and recommend ~~the official~~ adoption of a preservation ~~element as part of the City's comprehensive~~ plan;
- 6) to negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation when such action is reasonably necessary or appropriate;
- 7) to cooperate with the State, federal, and local governments in pursuance of the purposes of Section ~~XX~~ (Historic Preservation Overlay Purposes). The City Council or the Historic Preservation Commission when authorized by the City Council may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law;
- 8) to enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Historic Preservation Commission may enter any private building or structure without the express consent of the owner or occupant thereof; ~~and~~
- 9) to exercise other powers and authority provided to it by the City Council, this Ordinance, and State law; ~~and~~

### **30-3-7.5 Voting**

A concurring vote of a majority of those members present and voting is required before any recommendation or action is made on any matter considered. When any matter is transmitted to the City Council without recommendations, the reasons for the lack of a recommendation must be stated.

## **30-3-8 Guilford County Joint Historic Properties Commission**

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Editor's note: Need to explore this one further. The goal is to remove as much of this as possible. It is being reviewed by HPC staff.

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### **30-3-8.1 Authority and Establishment**

A Guilford County Joint Historic Properties Commission is hereby established pursuant to NCGS 160A-399.1 et seq.

### **30-3-8.2 Purpose**

The historical heritage of the County is one of its most valued and important assets. Conservation of historic properties will stabilize and increase the values in their areas and strengthen the overall economy of the County and State. ~~By means of listing, regulation, and~~

~~acquisition of historic properties Gibsonville, Greensboro, Guilford County, High Point, and Jamestown seek within their respective zoning jurisdictions. The City of Greensboro seeks:~~

- (A) to safeguard its heritage by preserving any property therein that embodies important elements of its cultural, social, economic, political, or architectural history; and
- (B) to promote the use and conservation of such property for the education, pleasure, and enrichment of the residents of the County and State.

### 30-3-8.3 Membership

#### (A) Number of Members

The Guilford County Joint Historic Properties Commission ~~shall~~ consists of eleven ~~(11)~~ members with three of those members appointed by the Greensboro City Council.

~~four (4) appointed by the Guilford County Board of Commissioners, three (3) appointed by the Greensboro City Council, two (2) appointed by the High Point City Council, one (1) appointed by the Gibsonville Town Council, and one (1) appointed by the Jamestown Town Council.~~

#### (B) Appointments

In establishing the Commission and making appointments to it, ~~the above-named board and councils~~ the City may seek the advice of such State or local historical agencies, societies, or organizations as it ~~may deem~~ deems necessary.

#### (C) Compensation

The Commission ~~shall~~ serve without monetary compensation.

### 30-3-8.4 Representation

~~All members of the Historic Properties Commission shall be residents of the County and each shall reside within the jurisdiction of the Board of Commissioners or council appointing them representative.~~ A majority of the members ~~shall~~ must have demonstrated special interest, experience, or education in history or architecture.

### 30-3-8.5 Tenure

Members of the Historic Properties Commission ~~shall~~ serve overlapping terms of four ~~(4)~~ years. ~~Initially, two (2) appointees by the County and one (1) appointee each from Gibsonville, Greensboro, High Point, and Jamestown shall be appointed for two (2) years. Initially, the City Council shall appoint one of the three Commission members for a two-year term. Thereafter, a~~ All subsequent appointments shall will be for a term of four (4) years. A member may be reappointed for a second consecutive term, but after two (2) consecutive terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. Members may serve no more than two consecutive terms but may be reappointed one year after terminating the previous term. The City Council will make appointments to any vacancy of a member originally appointed by the Council. Appointments to any vacancy must be for the remainder of the term of the vacant position for which the original appointment is made.

**30-3-8.6 Meetings**

The Historic Properties Commission ~~shall~~must ~~hold meetings~~meet regularly at least once each month unless there is not sufficient business to warrant a meeting; but not more than ~~sixty (60)~~ days ~~shall~~may expire without a regular or special meeting of the Commission. All meetings ~~shall~~must be held in accordance with NCGS 143-318.9 et seq. Reasonable notice of the meeting time and place ~~thereof shall~~must be given to the public.

**30-3-8.7 Attendance of Meetings**

~~Any Commission member of the Historic Properties Commission~~ who misses more than three ~~(3)~~ consecutive regular meetings or more than one-half the regular meetings in a calendar year without excuse granted by the Commission ~~shall~~loses his status as a member of the Commission, ~~and shall be replaced or reappointed by the appropriate Board of Commissioners or council.~~

**30-3-8.8 Rules of Procedure**

The Historic Properties Commission ~~shall~~must prepare and adopt rules of procedure for the conduct of its business. The Commission ~~shall~~must keep a public record of its members' attendance and of its resolutions, findings, and recommendations.

**30-3-8.9 Annual Report**

The Historic Properties Commission ~~shall~~must prepare and submit an annual report to the Guilford County Board of Commissioners, the Gibsonville and Jamestown Town Councils, and the Greensboro and High Point City Councils. ~~Such~~The report ~~shall~~must include a comprehensive and detailed review of the activities, problems, and actions of the Commission as well as any budget requests or recommendations.

**30-3-8.10 Quorum ~~and Vote Required~~**

Six ~~(6)~~ members of the Historic Properties Commission ~~shall~~constitutes a quorum.

~~The concurrence of at least a majority of those members present shall be required before any recommendation of action is made on any matter considered.~~

~~Private Interest of Members~~

~~No member of the Historic Properties Commission may discuss, advocate, or vote on any matter in which he has a separate, private, or monetary interest, either direct or indirect, and no member may discuss before a governing board or council any matter which has been, is, or will be considered by the Commission on which he serves, and in which he has a separate, private, or monetary interest, either direct or indirect. Any member who violates this section may be subject to removal from the Commission.~~

**30-3-8.11 Powers and Duties**

**(A) Review and Recommendation**

The Historic Properties Commission ~~shall~~has~~have~~ review and recommendation authority for the following procedures as applied to the City:

Editor's note: this section pending clarification from staff.

1) to recommend to the ~~County Board of Commissioners, the Gibsonville and Jamestown Town Councils, and the Greensboro and High Point City Councils,~~ building, structures, sites, areas, or objects within the corresponding zoning jurisdiction to be designated by ordinance as Landmarks~~historic properties~~;



2) to recommend to the ~~Board of Commissioners or councils~~ City Council that Landmark designation of any building, structure, site, area, or object as a historic property be revoked or removed;

**(B) Final Action**

The Joint Historic Properties Commission has approval authority for:

1) Landmark Designation (Section XX); and

2) Certificate of Appropriateness (Section XX) for a designated Landmark.

**(C) Nonregulatory**

The Historic Properties Commission ~~shall have~~ the following ~~additional nonregulatory~~ powers and duties:

- 1) to acquire by any lawful means the fee or any lesser included interest, including options to purchase, to any such historic properties; to hold, manage, preserve, restore, and improve the same; and to exchange or dispose of the property by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property;
- 2) to restore, preserve, and operate such historic properties;
- 3) to negotiate with the owner of a designated historic property for its preservation as allowed by NCGS 160A-360 et seq. when such action is reasonably necessary or appropriate for the preservation;
- 4) to conduct an educational program on historic properties within its jurisdiction;
- 5) to cooperate with the State, federal, and local governments in pursuance of the purposes of this section. The Commission when authorized by the ~~Board of Commissioners and councils~~ City Council may contract with the State or the United States of America, or any agency or with any other organization, provided the terms are not inconsistent with State or federal laws;
- 6) to enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof;
- 7) to act as, establish, or designate a group, body, or committee to give advice to property owners concerning the treatment of the historical and visual characteristics of their properties such as color schemes, gardens and landscape features, and minor decorative elements;
- 8) to take steps, during the period of postponement of demolition or alteration of any historic property, to ascertain what the ~~Board of Commissioners or councils~~ City Council can or may do to preserve such properties including consultation with private civic groups, interested private citizens, and other public boards or agencies and including investigation of potential acquisition by the ~~Board of Commissioners or councils~~ City Council when the preservation of a given historic property is clearly in the interest of the general welfare of the community and such property is of certain historic and architectural significance;



- 1                   9) to propose to the ~~Board of Commissioners and councils~~City Council changes  
2 to this or any other ordinance and propose new ordinances or laws relating to  
3 historic properties or relating to a total program for the protection and/or  
4 development of the historic resources of the County, the municipalities  
5 therein, and its environs;
- 6                   10) to communicate with other boards or commissions or with agencies of the  
7 local government or other governmental units to offer or request assistance,  
8 aid, guidance, or advice concerning matters under its purview or of mutual  
9 interest;
- 10                  11) to publish information about or otherwise inform the public of any matters  
11 pertinent to its purview, duties, organization, procedures, responsibilities,  
12 functions, or requirements as its budget may allow;
- 13                  12) to report violations of this ~~section, the zoning~~ ordinances, or the building code  
14 with respect to historic properties to the Enforcement Officer ~~of the~~  
15 ~~jurisdiction within which the historic property is located~~;
- 16                  13) to accept funds granted to the Commission for preservation purposes from  
17 private individuals and organizations;
- 18                  14) to organize itself and conduct its business; and
- 19                  15) to exercise other powers and authority provided to it by the ~~Board of~~  
20 ~~Commissioners and councils~~City Council, this Ordinance, and State law.

### 30-3-8.12 Voting

21                   The concurring affirmative vote of at least a majority of those members present is required  
22 before any recommendation of action is made on any matter considered.  
23

### Files To Be Kept

24                   All of the data required shall be filed with the County Manager or his designee, who shall cause  
25 said data to be submitted to the Historic Properties Commission.

### Authority to Acquire Historic Properties

26                   When such action is reasonably necessary or appropriate for the preservation of a designated  
27 historic property, the Historic Properties Commission may negotiate at any time with the owner  
28 for its preservation as allowed by NCGS 160A-360 et seq.  
29  
30

### 30-3-8.13 Receipt and Expenditure of Funds

31                   The ~~Town, City, or County governing body~~City Council is authorized to ~~may~~ make  
32 appropriations to the Historic Properties Commission ~~established pursuant to this section~~ in  
33 any amount that it may determine necessary for the expenses of the operation of the  
34 Commission, and may make available any additional amounts necessary for the acquisition,  
35 restoration, preservation, operation, and management of historic buildings, structures, sites,  
36 areas, or objects designated as historic properties, or of land on which historic buildings or  
37 structures are located or to which they may be removed.  
38

### 30-3-8.14 Staff and Technical Services

39                   The Historic Properties Commission may recommend to the ~~local governing body~~City  
40 Council suitable arrangements for the procurement or provision of staff or technical services  
41 to the Commission.  
42

### 30-3-8.15 Ownership of Property

All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by a Board of Commissioners or council pursuant to this section ~~shall~~must be acquired in the name of the ~~Board of Commissioners or council~~City Council. So long as owned by ~~a City, Town, or the County~~the City, historic properties may be maintained by or under the supervision and control of the City, ~~Town, or the County~~. However, all lands, buildings, or structures acquired by the Historic Properties Commission from funds other than those appropriated by a City, Town, or the County may be acquired and held in the name of the Historic Properties Commission, the City, Town, or the County, or both.

### 30-3-8.16 Conflict with Other Laws

Whenever this section requires a longer waiting period or imposes other higher standards with respect to a designated historic property than are established under any other statutes, charter provision, regulation, or ordinance, this section ~~shall~~governs. Whenever the provisions of any other statute, charter provision, regulation, or ordinance require a longer waiting period or impose other higher standards than are established under this section, such other statute, charter provision, regulation, or ordinance ~~shall~~governs.

### 30-3-8.17 Remedies

In case any building, structure, site, area, or object designated a historic property is about to be demolished whether as a result of deliberate neglect or otherwise, materially altered, remodeled, or removed, except in compliance with this section, ~~a the City, Town, or the County~~ or the Historic Properties Commission may institute any appropriate action or proceeding to prevent such unlawful demolition, material alteration, remodeling, or removal; to restrain, correct, or abate such violation; or to prevent any illegal act or conduct with respect to such historic property.

## 30-3-9 Advisory Commission on Trees (ACT)

### 30-3-9.1 Authority and Establishment

An Advisory Commission on Trees (ACT) is hereby established pursuant to NCGS 160A-174.

### 30-3-9.2 Membership~~.~~

#### (A) Number of Members

The ~~ACT Advisory Commission on Trees~~ ~~shall be~~is composed of nine ~~(9)~~ members ~~who shall be~~ appointed by the City Council for terms to expire as of August 15.

#### ~~Qualification for Membership~~

~~Members shall be residents of the City.~~

#### (B) Composition

Members ~~shall~~must be composed of one ~~(1)~~ certified arborist, one ~~(1)~~ landscape architect or landscape designer, one ~~(1)~~ horticulturist or botanist, two ~~(2)~~ members of the land development (builder/contractor/developer) community, one ~~(1)~~ civil engineer, two ~~(2)~~ active members of a recognized environmental group, and one ~~(1)~~ individual who has demonstrated an interest in conservation and natural resources.

### 30-3-9.3 Quorum

Five or more ~~(5)~~ members of the Advisory Commission on Trees ~~shall~~constitutes a quorum.

~~The concurrence of at least a majority of those members present will be required before any recommendation or action is made on any matter considered.~~

#### **30-3-9.4 Powers and Duties**

##### **(A) Review and Recommendation**

The Advisory Commission on Trees ~~shall have~~has review and recommendation authority for Variances (Section XX) with relation relating to the provisions of the Tree Preservation Ordinance.

##### **(B) Final Action**

The Advisory Commission on Trees ~~shall be~~is the ~~approval~~approving authority for ~~the following procedures:~~

**1)** ~~Approve in~~Approve ~~Type 2 Modifications (Section XX) of~~nor variations to the ~~requirements of the~~ Tree Preservation Ordinance that provide equal or better compliance; ~~and~~

**2)** ~~to review~~Appeals of orders, requirements, decisions, determinations, or interpretations made by an administrative official charged with enforcing the Tree Preservation Ordinance.

##### **(C) MiscellaneousNonregulatory**

The Advisory Commission on Trees ~~shall has have~~ the following additional powers and duties:

**1)** to review and provide recommendations for the long term tree management and maintenance plan for the city;

**2)** to provide professional expertise for developing program goals and policy;

**3)** to evaluate and monitor current regulations for effectiveness, and recommend appropriate changes regarding the Tree Preservation Ordinance and landscape provisions of this Ordinance to the city council;

**4)** to conduct educational programs with respect to tree preservation and landscape provisions of this Ordinance within its jurisdiction; and

**5)** to gather information from the public, development and business communities with respect to the Tree Preservation Ordinance and landscape provisions of this Ordinance.

#### **30-3-9.5 Voting**

##### **(A) Required Vote for Approval**

The concurring vote of a majority of the members present and voting is required to make a recommendation or any other decision in favor of an applicant. Tie votes must be considered recommendations or decisions for denial.

##### **(B) Vote of the Chair**

The chair votes as any other Commission member.

## 30-3-10 Redevelopment Commission

### 30-3-10.1 Authority and Establishment

A Redevelopment Commission is hereby established pursuant to NCGS 160A-504.

### 30-3-10.2 Membership

The Redevelopment Commission ~~shall consist~~ of five (5) members ~~who shall be~~ appointed by the ~~Mayor and~~ City Council.

### 30-3-10.3 Findings and Declaration of Policy

~~The Redevelopment Commission makes the following findings after considering facts and information contained in studies and investigations made by City agencies: On the basis of studies and investigations heretofore made by agencies of the City and on the basis of a consideration thereof by the City Council, and after a consideration of facts and information brought to the attention of the City Council, the City Council finds:~~

- (A) that there are within the territorial limits of the City areas in which there is a predominance of buildings or improvements, ~~predominantly residential in character,~~ and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowded, unsanitary or unsafe conditions, endanger life and property by fire and other causes, and which conditions substantially impair the sound growth of the community, and which conditions are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and which are detrimental to the public health, safety, morals, and welfare of the community, and which areas, by reason of the aforesaid conditions, are blighted areas now existing within the territorial limits of the City; and
- (B) that the redevelopment of such areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City.

### 30-3-10.4 Powers and Duties

~~The Redevelopment Commission shall function within the territorial limits of the City. It is hereby~~ The Redevelopment Commission is vested with all the powers and duties and shall perform all the acts authorized by NCGS 160A-500 et seq.

## 30-3-11

## 30-3-12 Planning Director

### 30-3-12.1 Powers and Duties

#### (A) Review and Recommendation

The Planning Director has review and recommendation authority for the following procedures:

- 1) Site Specific Development Plans (Section XX);
- 2) Comprehensive Plan Adoption and Amendments (Section XX);
- 3) Ordinance Text Amendments (Section XX);
- 4) Zoning Map Amendments (Section XX);

- 5) Special Use Permits (Section XX);
- 6) Variances (Section XX);
- 7) Special Exceptions (Section XX);
- 8) Local Historic District Designations (Section XX);
- 9) Sign Permits (Section XX);
- 10) Temporary Event Permits (Section XX); and
- 11) Tank Permits (Section XX).

**(B) Final Approval**

The Planning Director has approval authority for the following procedures:

- 1) Type 1 Modifications (Section XX);
- 2) Minor Site Plans (Section XX);
- 3) Minor Subdivisions (Section XX);
- 4) Administrative Interpretations (Section XX);
- 5) Zoning Map Interpretations (Section XX);
- 6) Change of Nonconforming Use (Section 30-2-3.5); and
- 7) Expansion or Modification of a Nonconforming Structure (Section XX).

**30-3-13 Other Departments**

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Other departments may be empowered by the City Council, this Ordinance, state or federal law to develop, maintain and implement technical standards, specifications, and guidelines.

~~**MULTIJURISDICTIONAL DEVELOPMENT ORDINANCE COMMITTEE**~~

~~**Authority**~~

~~A committee known as the Multijurisdictional Development Ordinance Committee (MDOC) is hereby established pursuant to Section 30-3-15.2 (B) (Referral to MDOC).~~

~~**Membership**~~

~~The MDOC shall consist of two (2) members appointed by each participating jurisdiction who shall be residents of the jurisdiction they represent. The Zoning Commission and the Planning Board shall each appoint one (1) of its member to serve a one (1) year term~~

~~**Quorum**~~

~~A quorum shall be as set forth in the MDOC's adopted Rules of Procedure.~~

~~**Powers and Duties**~~

~~The MDOC shall have the following powers and duties:~~

~~**Review and Recommendation**~~

~~The MDOC shall have review and recommendation authority for the following procedures:~~

~~Ordinance Text Amendments (Section XX).~~

~~To adopt Rules of Procedure for its organization and operation, subject to an affirmative vote of two-thirds (2/3) of the members;~~

~~To review text amendments to this Ordinance and make recommendations to the Planning Board and/or Zoning Commission, and the City Council; and~~

~~To perform any other related duties that the City Council may direct.~~

1 ~~Enforcement Officer~~

2 ~~Authority~~

3 ~~The City Manager shall appoint the Enforcement Officer(s) to administer and enforce the~~  
4 ~~provisions of this Ordinance. The Enforcement Officer may be provided with agents to assist in~~  
5 ~~administration and enforcement as directed by the City Council.~~

6 ~~General Duties~~

7 ~~The Enforcement Officer(s) shall:~~

8 ~~establish application procedures for permits, appeals, and actions pursuant to this Ordinance and~~  
9 ~~make available forms implementing the same;~~

10 ~~review development plans and permits to assure that the requirements of this Ordinance have~~  
11 ~~been satisfied;~~

12 ~~approve development plans where such duty is assigned by this Ordinance;~~

13 ~~Section 30-5-1.5: Sidewalks (see most recent version of City of Greensboro Sidewalk Manual for~~  
14 ~~guidance)~~

15 ~~Section 30-5-2.54(B): General Requirements (for manufactured dwelling parks and recreational~~  
16 ~~vehicle parks)~~

17 ~~Section 30-5-2.54(C): Manufactured Dwelling Park Requirements~~

18 ~~Section 30-5-2.54(D): Recreational Vehicle Park Regulations~~

19 ~~Section 30-5-4: Landscaping Requirements~~

20 ~~Section 30-6-9: Permanent Runoff Control Structures~~

21 ~~Section 30-6-10: Owners' Associations~~

22 ~~Section 30-6-13.1(B): Development Name~~

23 ~~Section 30-6-13.2: Lot Dimensions and Standards~~

24 ~~Section 30-6-13.3: Streets~~

25 ~~Section 30-6-13.4: Block Length~~

26 ~~Section 30-6-13.5: Sidewalks~~

27 ~~Section 30-6-13.6: Utilities~~

28 ~~Section 30-6-13.7: Drainage~~

29 ~~Flood Damage Prevention Administration Duties~~

30 ~~The Enforcement Officer shall:~~

31 ~~advise permittee that additional federal or State permits may be required, and if specific federal~~  
32 ~~or State permits are known, require that copies of such permits be provided and maintained on~~  
33 ~~file with the development permit;~~

34 ~~notify adjacent communities and the N. C. Department of Crime Control and Public Safety,~~

35 ~~Division of Emergency Management, State Coordinator for the National Flood Insurance~~

36 ~~Program prior to any alteration or relocation of a watercourse within a designated Flood Hazard~~  
37 ~~Boundary, and submit evidence of such notification to the Federal Emergency Management~~

38 ~~Agency;~~

39 ~~provide the NC Department of Crime Control and Public Safety, Division of Emergency~~

40 ~~Management, State Coordinator for the National Flood Insurance Program with two (2) copies of~~

41 ~~the maps delineating new corporate limits within six months from date of annexation or change~~  
42 ~~in corporate boundaries;~~

43 ~~assure that maintenance is provided within the altered or relocated portion of said watercourse so~~  
44 ~~that the flood-carrying capacity is not diminished;~~

45 ~~prevent encroachments within floodways unless the certification and flood damage prevention~~  
46 ~~provisions are met;~~

1 ~~verify and record the actual elevation (in relation to mean sea level) of the lowest floor~~  
2 ~~(including basement) of all new or substantially improved structures;~~  
3 ~~verify and record the actual elevation (in relation to mean sea level) to which the new or~~  
4 ~~substantially improved structures have been floodproofed;~~  
5 ~~when floodproofing is utilized for a particular structure, obtain certifications from a registered~~  
6 ~~professional engineer or architect;~~  
7 ~~where interpretation is needed as to the exact location of boundaries of the areas of special flood~~  
8 ~~hazard (for example, where there appears to be a conflict between a mapped boundary and actual~~  
9 ~~field conditions), make the necessary interpretation. Any person contesting the location of the~~  
10 ~~boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this~~  
11 ~~Article; and~~  
12 ~~when base flood elevation data or floodway data have not been provided, the Enforcement~~  
13 ~~Officer(s) shall obtain, review, and reasonably utilize any base flood elevation data and floodway~~  
14 ~~data available from a federal, State, or other source, including data developed pursuant to this~~  
15 ~~Ordinance, in order to administer the provisions of this Ordinance.~~  
16 ~~Historic District Requirements~~  
17 ~~Subject to a Certificate of Appropriateness, the Enforcement Officer may issue permits for the~~  
18 ~~reconstruction, rehabilitation, or restoration of structures listed on the National Register of~~  
19 ~~Historic Places or the State Inventory of Historic Places under the conditions set forth in Section~~  
20 ~~30-4-4.2 (Historic Districts).~~

## 30-3-14 Summary of Review Authority

The following table summarizes review authority under this Ordinance:

Procedure	Planning Director	Advisory Commission on Trees	Historic Properties Commission	Historic Preservation Commission	Board of Adjustment	Zoning Commission	Technical Review Committee	Planning Board	City Council	Section Reference
Comprehensive Plan Amendments	R			R				<R>	<D>	
Ordinance Text Amendments	R			R				<R>	<D>	
Zoning Map Amendments	R			R		<R/D>			<D>	
Zoning Map Amendments-Planned Unit Development	R			R		<R/D>	R		<D>	
Street and Alley Closings	R						R	<R>	<D>	
Street Name Changes	R						R	<R>	<D>	
Special Use Permits	R		R			<R/D>			<D>	
Variances	R	R <sup>1</sup>	R		<D>					
Special Exceptions	R		R		<D>					
Subdivisions	D <sup>2</sup>						D <sup>2</sup>			
Site Plans	D <sup>3</sup>						D <sup>3</sup>			
Site Specific Development Plans	R						R	<D>		
Easement Releases	R							D		
Local Historic District Designations	R			<R>		<R>		<R>	<D>	
National Register Historic Districts and Sites			R						R <sup>4</sup>	
Certificates of Appropriateness			D <sup>5</sup>	D <sup>5</sup>						
Demolition by Neglect			D <sup>5</sup>	D <sup>5</sup>						
Type 3 Modifications	R						R	R	R <sup>6</sup> /D	
Type 2 Modifications	R	D <sup>1</sup>					R/D	D		
Type 1 Modifications	D									
Ordinance Interpretations	D	D								
Administrative Appeals		D <sup>1</sup>			<D>					

### Key:

"R" = Review or Recommendation; "D" = Decision; "< >" = Public Hearing Required

### Notes:

<sup>1</sup> The Advisory Commission on Trees (ACT) makes recommendations to the Board of Adjustment on applications for a Variance when related to the Tree Preservation Ordinance. The ACT may approve minor modifications of the requirements of the Tree Preservation Ordinance. The ACT may decide on appeals of administrative interpretations of the Tree Preservation Ordinance.

<sup>2</sup> Planning Director may approve applications for Minor Subdivisions. Technical Review Committee approves applications for Major Subdivisions.

<sup>3</sup> Planning Director may approve applications for Minor Site Plans. Technical Review Committee approves applications for Major Site Plans.

<sup>4</sup> City Council makes a recommendation to the State Historic Preservation Office.

<sup>5</sup> The Guilford County Joint Historic Properties Commission approves applications relating to Landmarks. The Historic Preservation Commission approves all other applications.

<sup>6</sup> For major modifications to Water Supply Watersheds, City Council makes a recommendation to the North Carolina Environmental Commission.